

AMENDED IN ASSEMBLY MAY 26, 2005

AMENDED IN ASSEMBLY APRIL 12, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1385**

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**Introduced by Assembly Member Laird**

**(Principal coauthor: Assembly Member Maze)**

**(Coauthors: Assembly Members ~~Chan~~, Bermudez, Chan, Chu, Dymally, Hancock, Jones, Leno, Mullin, Pavley, Salinas, Torrico, Vargas, and Wolk)**

**(Coauthors: Senators Alquist, Kuehl, and Perata)**

February 22, 2005

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An act to add Section 49561 to the Education Code, relating to pupil nutrition.

LEGISLATIVE COUNSEL'S DIGEST

AB 1385, as amended, Laird. School meals.

Existing law requires school districts and county superintendents of schools to provide free or reduced-price meals to needy pupils as part of the National School Lunch and School Breakfast ~~programs~~ *Programs*.

This bill would require the State Department of Education to create a computerized data matching system, as specified, using existing databases from the State Department of Education and the State Department of Health Services to directly certify recipients of public assistance programs for enrollment in the National School Lunch and School Breakfast ~~programs~~ *Programs*. *This bill would require the State Department of Education to determine the availability of and request or apply for, as appropriate, federal funds to assist the state in*

*implementing new direct certification requirements mandated by federal law.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) Studies have shown that schoolchildren who receive  
4 nutritious meals are more likely to ~~possess~~ *have* higher  
5 achievement scores, fewer disciplinary problems, and less likely  
6 to be absent or tardy to class.

7 (b) Schoolchildren who are considered low income or receive  
8 public assistance qualify for free or reduced-priced school meals.  
9 The State Department of Education and the State Department of  
10 Health Services maintain various databases to ~~manage~~ *ascertain*  
11 *which* schoolchildren ~~activity in~~ *are eligible for* these programs.

12 (c) Children who receive free or reduced-priced meals at  
13 school must be certified as enrolled in a school meal program ~~in~~  
14 ~~order to receive these meals.~~

15 (d) The Child Nutrition and ~~Women Infants and Children~~ *WIC*  
16 Reauthorization Act of 2004 (P.L. 108-265) requires that any  
17 child receiving benefits under the federal Food Stamp Act be  
18 certified as eligible for free lunches under the Richard B. Russell  
19 National School Lunch Act (42 U.S.C. ~~1751~~ *et seq.*) and  
20 free breakfasts under the Child Nutrition Act of 1966 (42 U.S.C.  
21 *1771 et seq.*), without further application.

22 ~~(e) Direct certification allows school officials to enroll~~  
23 ~~children from families participating in the federal Food Stamps,~~  
24 ~~Temporary Assistance for Needy Families Program (TANF), or~~  
25 ~~Food Distribution Program on Indian Reservations (FDPIR)~~  
26 ~~without additional paper application requirements.~~

27 ~~(f)~~

28 (e) Federal law requires the use of direct certification by  
29 school districts to be phased in over time with full  
30 implementation being realized *by* July 2008.

31 ~~(g)~~

32 (f) Research has shown that direct certification increases the  
33 participation of low-income children in free school meals.

1 Research has also shown direct certification improves the  
2 integrity of the ~~meals~~ *meal* programs because it ensures that the  
3 children receiving the meals are truly needy.

4 ~~(h)~~

5 (g) The federal No Child Left Behind Act of 2001 (~~PL~~ *P.L.*  
6 107-110) requires states to establish a database to track pupils  
7 achievement.

8 ~~(i)~~

9 (h) Chapter 1002 of the Statutes of 2002 requires the  
10 California Department of Education, consistent with the  
11 requirements of the No Child Left Behind Act of 2001, to  
12 establish the California Longitudinal Pupil Achievement Data  
13 System (CalPADS) to track student achievement.

14 ~~(j)~~

15 (i) The CalPADS database will include a unique student  
16 identification number as well as a pupil's ~~birthday~~ *birth date*, and  
17 first and last name.

18 ~~(k)~~

19 (j) The State Department of Health Services possesses a  
20 statewide datatape which includes the first and last name,  
21 ~~birthday~~ *birth date*, and address of each recipient of public  
22 assistance.

23 (k) *It is the intent of the Legislature to seek available federal*  
24 *funds appropriated by the federal Child Nutrition and WIC*  
25 *Reauthorization Act of 2004 (P.L. 108-265) to offset the cost of*  
26 *developing a computerized data matching system for direct*  
27 *certification.*

28 SEC. 2. Section 49561 is added to the Education Code, to  
29 read:

30 49561. (a) The department shall create a computerized data  
31 matching system using existing databases from the department  
32 and the State Department of Health Services to directly certify  
33 recipients of public assistance programs, including the Food  
34 Stamp ~~Program~~ *program* and other programs authorized for  
35 direct certification under federal law, for enrollment in the  
36 National School Lunch and School Breakfast ~~programs~~  
37 *Programs.*

38 (b) The department shall design a process using an existing  
39 agency database that will conform with *data from the State*  
40 *Department of Health Services* ~~data~~ to meet the direct

1 certification requirements of the National School Lunch Act, as  
2 amended, pursuant to Chapter 13 (commencing with Section  
3 1751) of Title 42 of the United States Code, and the Child  
4 Nutrition Act of 1966, as amended, pursuant to Chapter 13A  
5 (commencing with Section 1771) of Title 42 of the United States  
6 Code.

7 (c) The department shall design a process using computerized  
8 data pursuant to subdivision (a) that will maximize enrollment in  
9 school ~~meals~~ *meal* programs and improve program integrity  
10 while ensuring that pupil privacy safeguards remain in place.

11 (d) *The department shall determine the availability of and*  
12 *request or apply for, as appropriate, federal funds to assist the*  
13 *state in implementing new direct certification requirements*  
14 *mandated by federal law.*